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**LISTING OF PENDING CLAIMS**

A listing of the entire set of pending claims is submitted herewith per 37 CFR 1.121. This claim listing replaces all prior versions, and listings, of claims in the application.

Please replace claim 36 with amended claim 36 as shown below.

Claims 1-31 (Canceled)

D/ 32. (Previously Presented) In an information distribution system comprising server equipment for providing both content and non-content data to subscriber equipment, said server equipment comprising:

a multiplex switch for multiplexing a plurality of formatted content streams from server modules to produce an output stream that is adapted for transport via a communication channel, wherein said multiplexing of said formatted content streams is statistically performed; wherein said multiplex switch is further for formatting non-content data and for selectively multiplexing formatted non-content data into said output stream, and wherein said multiplexing of formatted non-content data is on a bandwidth availability basis that is predicted based on said multiplexing of said formatted content streams.

33. (Previously Presented) The server equipment of claim 32, wherein said multiplex switch includes a buffer for storing non-content data and a switch controller for determining a bandwidth utilization level of said multiplex switch, said switch controller further for causing at least a portion of said non-content data in said buffer to be multiplexed into said output stream when said bandwidth utilization level falls below a threshold utilization bandwidth level.

34. (Previously Presented) The server equipment of claim 33, wherein said threshold bandwidth utilization level comprises a utilization level sufficient to process a single time extent, wherein said content streams are divided into a plurality of respective time extents.

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35. (Previously Presented) The server equipment of claim 33, wherein each of said content streams is divided into a plurality of respective time extents, and wherein said multiplex switch can multiplex a predefined number of time extents into said output stream.

36. (Currently Presented) The server equipment of claim 32, wherein said non-content data comprises control data and non-control data, and wherein said multiplex switch preferentially multiplexes said ~~non-content~~ non-control data.

37. (Previously Presented) The server equipment of claim 32, wherein said non-content data comprises control data and non-control data, and wherein said multiplex switch preferentially multiplexes control data.

38. (Previously Presented) The server equipment of claim 32, wherein said content data includes MPEG data.

39. (Previously Presented) The server equipment of claim 32, wherein said non-content data includes internet protocol data.

40. (Previously Presented) A method of providing content and non-content data to subscriber comprising the steps of:

statistically multiplexing a plurality of formatted content streams to produce an output stream that is adapted for transport via a communication channel;

formatting non-content data to fit the output stream;

predicting bandwidth availability based on the statistical multiplexing of the formatted content streams; and

selectively multiplexing formatted non-content data into said output stream on a bandwidth availability basis.

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41. (Previously Presented) The method of claim 40 further including storing non-content data until bandwidth availability enables multiplexing of the stored non-content data.
42. (Previously Presented) The method of claim 40, furthering including dividing content streams into a plurality of respective time extents that are multiplexed a predefined number at a time into the output stream.
43. (Previously Presented) The method of claim 40 wherein the output stream is an MPEG data stream.
44. (Previously Presented) The method of claim 40 further including receiving the non-content data in an internet protocol format.
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